

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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In the Matter of

Preparation for International
Telecommunication Union World
Radiocommunication Conferences

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IC Docket No. 94-31

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF STARSYS GLOBAL POSITIONING, INC.

STARSYS Global Positioning, Inc. ("STARSYS"), by its attorneys and pursuant to Sections 1.415 and 1.430 of the Commission's Rules, hereby responds to the Commission's Notice of Inquiry in the above-captioned docket pertaining to preparation for U.S. participation in upcoming International Telecommunication Union ("ITU") World Radiocommunication Conferences ("WRCs"). See Preparation for International Telecommunication Union World Radiocommunication Conferences, FCC 94-96 (released May 5, 1994) ("NOI").^{1/} STARSYS herein provides the Commission with its views on matters on the agenda of the next WRC, to be held in Geneva in November 1995, and makes suggestions for matters to be addressed more fully at the upcoming WRC in 1997.

^{1/} Originally, comments in response to the NOI were due on June 6, 1994. However, on June 1, 1994, the FCC's Chief Engineer adopted an Order extending the deadline for initial comments until today, July 15, 1994, and the deadline for reply comments until August 5, 1994. See Preparation for International Telecommunication Union World Radiocommunication Conferences (Order), DA 94-566 (released June 2, 1994).

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List A B C D E

I. INTRODUCTION AND STATEMENT OF INTEREST

As the Commission indicated in the NOI, among the key issues that must necessarily be addressed at the 1995 World Radiocommunication Conference ("WRC-95") is facilitating the introduction of global mobile-satellite service ("MSS"). See NOI, FCC 94-96, slip op. at ¶ 1. As an applicant in the Commission's ongoing non-voice, non-geostationary ("NVNG") MSS proceeding in CC Docket No. 92-76, STARSYS has a particular interest in the successful implementation of MSS globally, and welcomes this opportunity to participate in the development of the proposals that the United States Government will advocate at upcoming WRCs.

II. DISCUSSION

A. Final Report of the Voluntary Group of Experts (VGE)

The first agenda item for WRC-95 instructs the conference "to review the final report of the VGE, and to consider related proposals from administrations, in order to undertake, as appropriate, a revision of the Radio Regulations and to provide a timetable for the implementation of outstanding recommended actions."^{2/} The Commission noted in the NOI that the objective of the VGE was to simplify the Table of Frequency Allocations and other portions of the Radio Regulations "without affecting significantly the substance of the regulations." NOI, FCC 94-96, slip op. at ¶¶ 6-7.

^{2/} ITU, Final Acts of the World Radiocommunication Conference, Resolution No. [COM4/1], Agenda for the 1995 World Radiocommunication Conference (Geneva, 1993) (Attachment 1 to NOI).

STARSYS agrees with the overall objective of the VGE efforts to simplify the rules and to reduce regulatory burdens generally. Nonetheless, because the VGE has undertaken a complete re-write of the Radio Regulations, both the Commission and its Industry Advisory Committee should undertake a careful review of the proposals to ensure that the substance of the regulations has not been changed in ways that could prove prejudicial to the United States, or indeed to ITU member administrations generally.

For example, the Commission states in the NOI that "some matters of detail have been purposely left out of the body of the text" with the intention that these details will be covered instead by separate "'Rules of Procedure' to be developed by the Radiocommunication Bureau for adoption by the Radio Regulations Board." NOI, FCC 94-96, slip op. at ¶ 14. Thus, important procedural rules affecting the rights and obligations of administrations will effectively be removed from the direct oversight of ITU members. Such a course is not acceptable with respect to procedural changes that will directly impact substantive rights. Any procedural provisions that impact such rights must therefore be ratified by the full ITU membership before they become effective.

For example, the Commission justifiably questions whether it is acceptable simply to replace the current Resolution 46 coordination procedure for non-geostationary satellite networks, adopted two years ago at WARC-92, with the generic coordination procedure proposed by the VGE. STARSYS believes that some aspects of this VGE proposal are unacceptable. To illustrate, for those proposing networks of non-geostationary satellites, the requirement to notify all administrations potentially

affected by a proposed system would render it necessary, as a practical matter, to notify and coordinate with every administration -- each of which, in turn, would be permitted to take into account planned assignments in assessing the impact of the proposal. As the Commission noted "this could be an impossible undertaking." NOI, FCC 94-96, slip op. at ¶ 14 n.9.

Unfortunately, the alternative of requesting that posting in the Weekly Circular constitute a request for coordination is equally unsatisfactory because the VGE proposal does not provide a definitive cut-off of other administration's rights in the event that an administration does not respond -- i.e., in order to have certainty, the posting administration would not only have to successfully coordinate with all members that affirmatively raised potential interference concerns, but would also have to receive evidence that all administrations that failed to respond did not object to the proposal. Thus, the procedure adopted must provide for the publication of system proposals, followed by a defined period for other administrations to ascertain whether a potential conflict, and need for coordination, exists -- as well as providing for the extinguishment of all other members rights to object after the passage of a date certain.

B. Mobile-Satellite Services

As the Commission emphasized in the NOI, the successful establishment of global non-geostationary MSS systems, including the non-voice low-Earth orbit system proposed by STARSYS, will promote the creation of a new industry in the United States which, in turn, will foster a variety of new employment opportunities.

See NOI, FCC 94-96, slip op. at ¶ 19. There can be no doubt that the market for MSS systems has vast potential, as evidenced by the number of applicants to use the spectrum both in the U.S. and internationally. STARSYS therefore urges the Commission to take steps to secure additional spectrum allocations for NVNG MSS at WRC-95, working with interested parties such as STARSYS to determine which frequency bands are best suited for expansion of these systems. At the same time, the Commission should work to eliminate unnecessary regulatory constraints on the development of NVNG MSS in the bands already allocated for this service.

1. The Commission Should Work To Eliminate At WRC-95 The Existing Technical Constraints Upon MSS Frequency Bands Allocated Below One Gigahertz.

Several constraints were imposed at WARC-92 upon the use of the 148.0-149.9 MHz and 149.9-150.05 MHz bands that ought to be reconsidered and modified at WRC-95. First, both ITU Footnotes 608A and 608B provide that mobile-satellite earth stations in each of these bands "shall not produce power flux-density in excess of $-150 \text{ dB(W/m}^2/4 \text{ kHz)}$ outside national boundaries." Such limits do not apply to the more powerful fixed and mobile system operating in these bands, and such a restriction on NVNG MSS below 1 GHz serves no practical purpose. Also, because radiofrequency transmissions do not stop at international borders, this requirement is facially impractical, and therefore should either be removed or conditioned to apply only in those instances where the potential for interference cannot be resolved between administrations.

In addition, as the Commission noted in the NOI, some administrations have expressed concern that NVNG MSS operations below 1 GHz might cause interference to existing services in shared bands. See NOI, FCC 94-96, slip op. at ¶ 20 n.16. STARSYS believes that the technical constraints adopted in the international footnotes to these bands are more than sufficient to satisfy these concerns. These footnotes establish strict conditions that effectively limit the PFD of the NVNG MSS Below 1 GHz systems to ensure continued operation of existing systems in the bands.

2. The Commission Should Recommend The International Allocation Of Additional Spectrum For Non-Voice, Non-Geostationary MSS Systems Below 1 GHz.

It is evident that there is not enough NVNG MSS spectrum currently available to accommodate both the current applicants to provide this service and additional demand for future applicants. Because WARC-92 did not achieve the U.S. goal of allocating five megahertz of spectrum below 1 GHz for MSS, additional spectrum is essential, and the U.S. government should pursue vigorously at WRC-95 the international allocation of suitable frequency bands for this purpose. In preparation for the conference, it is imperative that the spectrum bands identified by the Commission and the National Telecommunications and Information Administration be thoroughly evaluated to determine the long-term suitability of these bands for NVNG MSS use. See NOI, FCC 94-96, slip op. at ¶ 27 n.27 and Attachment 2 thereto. STARSYS is currently reviewing this issue and reserves the right to comment further as its evaluation proceeds.

C. Agendas For Future World Radiocommunication Conferences

In the NOI, the Commission noted that "[i]t is possible that a considerable portion of the 1997 conference could be reserved (by WRC-95) for unresolved WRC-95 issues." NOI, FCC 94-96, slip. op. at ¶ 39. STARSYS agrees that, whatever other items may emerge as potential matters for consideration in 1997, the ITU must reserve as much of the agenda for WRC-97 as necessary to resolve any and all lingering MSS matters from WRC-95. Thus, as the Commission suggests in the NOI, it may be necessary to delay consideration of some of the other items included on the preliminary agenda for WRC-97. See NOI, FCC 94-96, slip op. at ¶ 40.

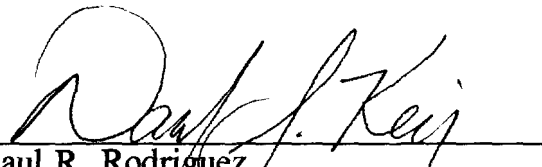
III. CONCLUSION

For the foregoing reasons, STARSYS urges that the Commission undertake a thorough and careful review of the VGE Report to ensure that the substantive rights of ITU members are not altered thereby. The Commission should also endeavor to identify additional spectrum for allocation to NVNG MSS services,

and should aggressively pursue the adoption of these allocations at WRC-95, and certainly no later than WRC-97.

Respectfully submitted,

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